

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GARRETTE BELLEW,

Plaintiff,

v.

CASSVILLE CITY POLICE and BERRY
COUNTY SHERIFF DEPT.,

Defendants.

No. 4:21-CV-164 SPM

OPINION, MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court upon review of the complaint filed by self-represented plaintiff Garrette Bellew, an inmate at Missouri Eastern Correctional Center (“MECC”) in Pacific, Missouri. For the reasons explained below, this case will be transferred to the United States District Court for the Western District of Missouri.

Plaintiff brings this case against Cassville City Police and Berry County Sheriff Department,¹ alleging violations of his civil rights under 42 U.S.C. § 1983. Plaintiff claims that excessive force was used on him by defendants when they arrested him on June 10, 2019. ECF No. 1 at 3. Cassville is located in Barry County, Missouri which is in the Western District of Missouri. *See* 28 U.S.C. § 105(b)(2).

Under 28 U.S.C. § 1391(b), a civil action of this type may be brought in: “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is subject of the action is situated;

¹ The Court believes this defendant’s name is misspelled and plaintiff intended to name ‘Barry’ instead of ‘Berry’ County because the city of Cassville is located in ‘Barry’ County, Missouri and no ‘Berry’ County, Missouri exists.

or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action."

"For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought." 28 U.S.C. § 1404(a). Here, plaintiff's claims arise entirely from events which occurred in the Western District of Missouri. In addition, the defendants and presumably all of the witnesses are located in the Western District. Therefore, the Court concludes that it is in the interest of justice to transfer this case to the United States District Court for the Western District of Missouri for all further proceedings.

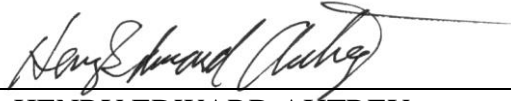
Furthermore, plaintiff has a pending application to proceed in district court without prepaying fees or costs. ECF No. 2. Having reviewed the application and the financial information submitted in support, the Court will grant the motion to proceed *in forma pauperis* subject to modification by the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 1915(a).

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall **TRANSFER** this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 1404(a).

IT IS FURTHER ORDERED that plaintiff's application to proceed in district court without prepaying fees or costs [ECF No. 2] is **GRANTED**, subject to modification by the United States District Court for the Western District of Missouri.

Dated this 15th day of March , 2021.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE